

Attachment D

COUNCIL POLICY

**SUBJECT: Interim Policy Regarding Movement of Street Furniture
on the 100 Block of South Murphy Avenue**

POLICY PURPOSE:

The City is committed to the preservation of the historic character of Murphy Avenue as Sunnyvale's Main Street. A major theme or objective of the 2005 Historic Murphy Avenue Design Plan includes promotion of a flexible streetscape that responds to business needs. The flexible plan allows street furniture and certain non-permanent features of the streetscape, to be moved when they are located in the public right-of-way.

The purpose of this policy is to provide guidance on when and how the City will consider requests from business owners/operators to move street furnishings on South Murphy Avenue prior to the Design Plan being implemented. It is also intended to ensure pedestrian access and to promote an attractive commercial environment. These guidelines have been developed specifically for, and are unique to, the public right-of-way on the 100 block of South Murphy Avenue. The policy does not apply to furniture on private property, or to other business establishments located elsewhere in the City.

This policy will be valid during the interim time period between the Murphy Avenue Streetscape Design Plan project approval and completion of the first phase of implementation. Once implementation is complete, this policy will become invalid.

This policy addresses primarily: public benches, planter boxes, trash receptacles, and ash cans.

POLICY STATEMENT:

A. RELOCATION PERMIT REQUIREMENTS

Applicable Parties

Only businesses owners or operators on S. Murphy Avenue may request removal or relocation of street furniture.

Permits

The Miscellaneous Plan Permit process will regulate the operation of street furniture movement in the public right-of-way. The policy guidelines establish criteria for the review of each application by the Director of Community Development.

B. LOCATION

Moving Furniture

1. Applicants can request to move street furniture to a suitable new location on S. Murphy Avenue.
2. The applicant must obtain written approval from the neighboring business(esses) where the furniture is to be moved.
3. The new location shall not obstruct pedestrian movement or access from any doorway, as determined by the Fire Prevention Division. At least five (5) feet of pedestrian clearance shall be provided on the public sidewalks.
4. The new location shall not block access points to pedestrian crosswalks, and shall be located at least fifteen (15) feet from any driveway or fire hydrant.

Removing Furniture

1. Applicants can request that street furniture be removed from the streetscape entirely if a suitable new location cannot be found.

C. OPTIONS

Public

1. When applicants request street furniture to be moved by City forces, the applicant will bear all the costs and must reimburse the City for all expenses.
2. A deposit for the estimate cost of the action will be required prior to any actions by City forces.

Private

1. Applicants have the ability under this policy to contract with a private party to move the furniture. This will require issuance of an Encroachment Permit in addition to the Relocation Permit. The Director of Public Works shall have review authority over all Encroachment Permits. The requirements for an Encroachment Permit (effective as of 6/12/05) are attached.

Report to Council No. _____

Approved by Council on November 22, 2005.

City Clerk Certification _____.

CITY OF SUNNYVALE
Public Works Department/Engineering Division
Encroachment Permit Requirements
For All Work Within The Public Right Of Way and/or Public Utility Easement

The following requirements shall be met prior to issuance of an encroachment permit for any work within the public right of way:

- ☐ Subdivision Map recorded and surety bonds posted (For Subdivision Development Projects only)
- ☐ Improvement plans or plot map approved by Public Works Department/Engineering (4 sets) For single item improvement, the plan can be prepared on 8-1/2" x 11" paper. The plan should show existing and proposed improvements (e.g., driveway approach) with dimensions. All utility features in the public right-of-way (e.g., water meter, tree, fire hydrant, streetlight, etc.) should be shown on the plans.
- ☐ Traffic control plans (as needed depending upon location, hour and/or nature of work) approved by Traffic Engineer (4 sets)
- ☐ Application form completed and signed
- ☐ Permit fee paid (10% of the estimated construction costs with \$150 min. and per fee schedule) Works associated with PG&E, SBC, Comcast, etc. will be billed to the corresponding utility companies.
- ☐ Contractor provides Certificate of Insurance with general liability insurance of single coverage of **\$1,000,000.00 minimum**. Said policy shall name **the City of Sunnyvale as an additional insured** (A separate endorsement sheet is required with the insurance policy, and **the location and job description** must be included on the policy).
- ☐ Contractor has a **Class A General Engineering license**. The following licenses are acceptable for the scope of work as described. All other class licenses will only be issued a permit upon approval by the Assistant City Engineer.

B General Building may perform incidental work as approved by the City Engineer.

C8 Concrete Contractor may perform driveway approach and sidewalk project.

C12 Earthwork and Paving Contractors may perform grading work.

C16 Fire Protection Engineering Contractors may perform installation of fire service lines.

C27 Landscaping Contractors may perform landscaping related work.

C31 Construction Zone Traffic Control Contractor for traffic control

C32 Parking and Highway Improvement Contractors may perform parking lot pavement work including installation of protective vehicle signage and/or device.

C34 Pipeline Contractor may perform water and gas line work including trenching, compacting and surface paving.

C42 Sanitation System Contractors may perform sanitary sewer line work including trenching, compacting and surface paving. Under no circumstance shall the C36 Plumbing Contractors be allowed to perform sewer line work in the public right-of-way.

C57 Water Well Drilling Contractor may perform installation and repairs of **water wells and pumps** by boring, drilling, excavating, casing, cementing and cleaning to provide a supply of uncontaminated water.

- ☐ Contractor provides proof of worker's compensation coverage
- ☐ Contractor has a valid city business license
- ☐ Approval from other agencies (Caltrans, Santa Clara County Water District, etc.)